

SEP 08 2004

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Date	Total pages	Attorney number	Client/matter number
September 8, 2004	25	07358	103832-142834

To	Company	Fax number	Telephone
Commissioner for Patents	The USPTO	703-872-9306	

From	Fax number	Telephone
Eva Tan (Reg. No. 46,406)	973.992.4643	973.422.7904

**Message:**

Re: Patent Appl. No. : 10/713,859  
 Applicants : Peter Emig et al.  
 Filed : November 14, 2003  
 Title : Novel Heteroaryl Derivatives And Their Use As Medicaments  
 TC/A.U. : 1624  
 Examiner : TBA  
 Atty. Docket No. : 103832-466-DIV

Submitted herewith are the following items for filing in the above-identified application:

- Supplemental Information Disclosure Statement and copies of cited references (24 pages)

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence, and attachments, if any, is being facsimile transmitted to the United States Patent and Trademark Office at fax number (703) 872-9306 on the date indicated below.

  
 Yvette Alvarez-Perez

9/8/04  
 Date

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Yvette Alvarez-Perez

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Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/713,859  
Applicants : Peter Emig et al.  
Filed : November 14, 2003  
Title : Novel Heteroaryl Derivatives And Their Use As Medicaments  
TC/A.U. : 1624  
Examiner : TBA  
Atty. Docket No. : 103832-466-DIV

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Under the provisions of 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants bring to the attention of the Examiner the documents listed on the attached PTO/SB/08 (substitute for form 1449/PTO). Copies of the listed documents are enclosed.

Cited Document No. 2 is an examination report of the corresponding Chinese Patent Application No. 01813158.1, wherein the Examiner cited four references to assert lack of novelty and inventiveness.

Reference 1 CN1219131A is equivalent to US 5,804,588. Reference 4 CN1196724A is equivalent to WO 98/00402. References 1, 3 and 4 have been submitted in the Information Disclosure Statement filed on December 8, 2003.

Reference 2 EP 0318235 is equivalent to US 4,937,246, which is being submitted herewith.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form and returning a copy to applicants.

This Information Disclosure Statement is being filed before the mailing of a first office action on the merits under 37 C.F.R. §1.97(b), and therefore no fee is necessary. However, the Commissioner is still authorized to charge any required fees to Goodwin Procter LLP Deposit Account 06-0923.

Respectfully submitted for Applicants,



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Eva Tan (Reg. No. 46,406)  
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Approved for use through 07/31/2006, OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO

(Use as many sheets as necessary)

**Complete If Known**

Application Number	10/713,859
Filing Date	November 14, 2003
First Named Inventor	Peter Emig
Art Unit	1624
Examiner Name	IBA
Attorney Docket Number	103832-466-DIV

Sheet 1 of 2

## U. S. PATENT DOCUMENTS

[illegible]

**FOREIGN PATENT DOCUMENTS**

[illegible]

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/088 (08-03)

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Substitute for form 1448/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

**Complete if Known**

Application Number

10/713.859

Filing Date

November 14, 2003

**First Named Inventor**

**Peter Emig**

## Art Unit

1624

**Examiner Name**

TBA

Attorney Docket Number

103832-466-DIV

Sheet

2

of

2

## NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

considered. Include copy of this form with next communication to the appropriate:

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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